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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,408	12/11/2003	David L. Kaminsky	014682.000002	1407

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MOORE & VAN ALLEN, PLLC For IBM  
P.O. Box 13706  
Research Triangle Park, NC 27709

EXAMINER
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MADAMBA, GLENFORD J

ART UNIT	PAPER NUMBER
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2451

MAIL DATE	DELIVERY MODE
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04/01/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/707,408

Applicant(s)

KAMINSKY ET AL.

Examiner

Glenford Madamba

Art Unit

2451

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 27 January 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.  
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☒ Other: See Continuation Sheet.

/John Follansbee/  
Supervisory Patent Examiner, Art Unit 2451

Continuation of 13. Other: The Office has fully considered Applicants remarks but has deemed them unpersuasive to overcome the current rejection of the claims in view of the currently applied prior art references. In support of his argument, Applicant remarks that Menditto does not teach or disclose particular feature(s) of the claim, which recites in part: “determining if a policy template is present at an enforcement point in response to receiving an identification assigned to the policy template. The Office respectfully disagrees and submits that Applicant has misinterpreted and/or not fully considered all of the teachings and disclosures of the applied prior art reference(s). The Office respectfully disagrees.

In response to the argument, the Office maintains that the above argued feature is in fact broadly disclosed by at least Menditto. For example, Menditto expressly discloses that “Content Gateway Policy Manager 26 is a ‘management node’... that serves as a ‘repository’ for content policies and communicates with Content Gateways 18 to ‘distribute’ content policies with information service provider 12 and exchange policies with other content gateway policy managers in other information service providers [col 2, L45-52]. Menditto additionally discloses that Content Gateway 18 participates in a policy distribution network to receive and install content policies and supports content peering in order to direct requests to content gateways or content delivery nodes in other information service providers 12 [col 3, L21-25].

Further, in one embodiment, Menditto expressly teaches that “Content gateway directory 32 codifies a policy for content based routing. Content gateway directory 32 includes a classification policy and a processing policy. The classification policy defines the pattern or ‘template’ used to match the domain name and additional content of the request from client terminal 16.” [col 6, L41-46]. Significantly, Menditto also teaches the following:

Since valid domain name table 34 is relatively small and is not designed to hold every possible domain name that has an associated content policy for execution by a content gateway processor 30, there may be a content policy for a domain name within content gateway policy manager 26. In parallel, the domain name server query is also forwarded to content gateway policy manager 26 along path D. Content gateway policy manager 26 ‘determines’ if there is a content policy associated with the query. Content gateway policy manager 26 searches its policy database for policy information. If no policy exists, then no action is taken. If a policy exists for the domain, the policy is provided to content gateway router 28 along path E. [Menditto: col 9, L37-50]

Moreover, Menditto expressly discloses a ‘Policy ID’ for identifying a policy (Appendix A) [col 16] and a Classification Policy for defining ‘templates’ (Appendix A) [col 16] [col 6, L25-30] for the classification of URL requests. He also teaches that “a policy distribution point responsible for distributing policies to other network elements is connected to content gateway policy manager 26 and may send ‘policy updates’ to other content gateways 18 and content gateway managers 26 as appropriate [col 7, L9-13].

Given the above disclosures and features, it is thus clear that Menditto’s invention expressly teaches a Policy Manager providing / distributing ‘policies’ and/or ‘policy updates’ to a content gateway router 28 or peer device (that does not yet have the particular policy or update in its policy database), in response to a query. It is also thus clear that the ‘existing policy’ or ‘policy update’ to be provided / distributed (e.g., Classification Policy that defines a ‘template’, or Processing Policy) can be identified using the ‘Policy ID’ feature of Menditto’s invention. The argued feature of “determining if a policy template is present at an enforcement point in response to receiving an identification assigned to the policy template” is thus expressly taught by at least Menditto.. The Office thus asserts that the above argued feature is sufficiently disclosed by Yaseen in view of the current language of the claim recitation, and the rejection of the claims are thus maintained.